

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Member
S. L. Johnson	Ex-Officio Member
Arnold Biedermann	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF ALDEN PURSUANT TO)
MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on February 25, 1987 at Alden, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chair, Shirley J. Mihelich, Vice Chair, John W. Carey, Commissioner, and County Commissioners Arnold Biedermann and S. L. Johnson, Ex-Officio Members of the Board. The City of Alden and the petitioners appeared by and through Craig S. Nelson, and the Town of Carlston appeared by and through Dale L. Christensen, Town Clerk. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On September 6, 1986, a copy of a petition for annexation by all of the property owners was filed with the Minnesota Municipal Board. The

petition contained all of the information required by statute, including a description of the territory subject to annexation, which is as follows:

Commencing at the Northeast corner of Lot Five (5), Block Thirteen (13); thence Northerly 102 feet, said 102 feet being in line with the Easterly line of Block Thirteen (13); thence Westerly a distance of 140 feet parallel with the South line of Lot Five (5); thence Southerly 180 feet more or less to a point on the North line of the City limits of the City of Alden, where the West line of the alley in Block Thirteen (13) intersects; thence Easterly 20 feet; thence Northerly 75 feet; thence Easterly 120 feet to the East line of Block Thirteen (13), and any land Easterly and adjacent to this tract which may be under easement to the centerline of the road which connects with Euclid Street in the City of Alden. All of which above-described premises is in the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-Four (34), Township One Hundred Three (103) North, Range Twenty-Three (23) West, of the Fifth P.M., Freeborn County, Minnesota.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Carlston Township on December 1, 1986. The Municipal Board, upon receipt of this objection, conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subdivision 5.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.

3. The area subject to annexation is unincorporated, approximately 1/3 of an acre in size, and abuts the City of Alden by approximately 25% of its perimeter. The City of Alden is approximately 360 acres in size.

4. The Town of Carlston has a total area of approximately 23,040 acres.

5. The area proposed for annexation is used exclusively for residential development. There is presently one home located on it, the southeastern corner of which is located within the City of Alden.

The annexation area does not have any agricultural use on it.

6. In 1970 the City of Alden had a population of 713, its 1980 and

current population in 687.

7. The Town of Carlston had a population of 446 in 1970, a population of 417 in 1980, and its current population is 398.

8. The area proposed for annexation has a population of three.

9. The City of Alden has a zoning ordinance, subdivision regulations, an official map, fire code, and sanitation ordinance.

10. The County of Freeborn has a comprehensive plan, which includes the comprehensive plan of the City of Alden.

11. The Town of Carlston does not have any independent zoning or other land use controls.

12. The current zoning of the area proposed for annexation is ag.

13. It is anticipated that if annexed, the area proposed for annexation will be zoned R-1.

14. The City of Alden provides its residents with water, sanitary sewer, waste water treatment, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

15. The City of Alden presently provides the area proposed for annexation with water, sanitary sewer, waste water treatment, solid waste collection and disposal, and recreational opportunities. The City of Alden has installed a fire hydrant that is approximately 75 feet outside of the city limits. The city has expended approximately \$5,600 on road and service extensions to the area proposed for annexation.

16. The City of Alden is willing to provide the area proposed for annexation with all of the services that it presently provides to its

residents and is not presently providing the annexation area.

17. The Town of Carlston provides the area proposed for annexation with fire protection.

The Town of Carlston provides fire protection by contracts with the City of Wells for the western portion of the township, the City of Freeborn for the northern portion of the township, and the City of Alden for the southern portion of the township.

18. The City of Alden has approximately 9 miles of highways, streets, and roads.

19. The area proposed for annexation has approximately 75 feet of road right-of-way.

20. In 1985, the assessed valuation of the City of Alden was \$2,519,859.

21. In 1985, the assessed valuation of the Town of Carlston was \$8,000,481.

22. The assessed valuation of the area proposed for annexation is approximately \$45,000.

23. The mill levy for Freeborn County in 1985 was 23.673.

24. The mill levy for School District #242, which services both the town and the city, in 1985 was 30.628.

25. Carlston Township mill levy in 1986 was 5.793. The township has no bonded indebtedness.

26. The City of Alden's mill levy in 1985 was 53.676. The city has a bonded indebtedness of \$650,000.

27. Taxes on the land if it remained unimproved would be approximately \$7.00 per year.

28. The fire insurance rating for the City of Alden is 7.

29. If the area proposed for annexation is annexed, there will be no impact on School District #242, as all of the City of Alden and the annexation area are within the same school district.

30. The township does not have the ability to provide public sewer and water to the area proposed for annexation.

31. The City of Alden is the only municipality adjacent to the area proposed for annexation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The area subject to annexation is now or is about to become urban or suburban in character.

3. Municipal government is presently required to protect the public health, safety, and welfare in the area subject to annexation.

4. The best interests of the area proposed for annexation will be furthered by annexation.

5. Carlston Township can carry on the functions of government without undue hardship.

6. An order should be issued by the Minnesota Municipal Board approving the petition for annexation described herein in Findings of Fact 1.

O R D E R

1. IT IS HEREBY ORDERED: That the petition for annexation of property described in Findings of Fact 1 herein, be and the same is hereby annexed to the City of Alden, Minnesota, the same as if it had been originally a part thereof.

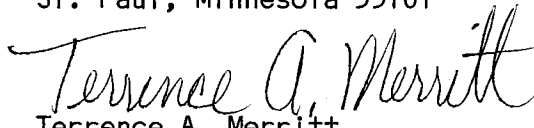
2. IT IS FURTHER ORDERED: That the population of the City of Alden is increased by three persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Carlston is decreased by three persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is May 19, 1987.

Dated this 19th day of May, 1987.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101


Terrence A. Merritt
Executive Director

M E M O R A N D U M

In approving the proposed annexation, the board notes that its decision is based on review of the evidence presented at the hearing in light of the statutory criteria. The board's approval of the annexation is done based on the meeting of the criteria and should not be viewed by any of the parties to this proceeding as an imprimatur on the procedure followed by the parties in this matter. Had the parties worked together and talked about what was anticipated in the way of development in the area under consideration, it is probable that the hearing before the board would have been unnecessary. In light of the procedure followed, the parties may wish to discuss some accommodation, which may take some form of monetary accommodation, for the inconvenience, which occurred.

The board is confident that the city and the town will build on their previous cooperation to avoid problems such as the one that occurred in this proceeding. *JAM 5-19-87*